

Chapter 2. Zoning

Article 2.23. Conventional Zoning Districts

Division 2.23.1. Open Space & Rural

Chapter 3-9—ZONING

ARTICLE III. SPECIAL REGULATIONS

**Section 2.23.1.1, 3-9-28. Environmentally Sensitive (ES).**

- (a) *Intent.* The purpose and intent of ~~the environmentally sensitive~~this district is to preserve and protect ~~certain land and water areas in unincorporated Charlotte County which have overriding~~ ecological, hydrological, or physiographic importance to the public at large. It is intended to preserve and protect open spaces, park lands, wilderness areas, ~~marshlands,~~ watersheds and water recharge areas, scenic areas, beaches, and native flora and fauna ~~in those areas designated ES or LD on the comprehensive plan map.~~ It is intended to allow limited public or private recreational and educational uses and their incidental accessory uses and structures.
- (b) *Permitted ~~principal uses~~ Uses (P) and Structures.* The following uses and structures are permitted in this district:
- (1) ~~Single-family detached, conventional or DCA-approved modular~~Public and private game preserves, fish and wildlife management areas, hatcheries and refuges, parks and open spaces.
  - (2) ~~Fish and wildlife management area, nature preserve~~Water conservation areas, reservoirs and control structures, drainage systems and water wells.
  - (3) ~~Gamelands, public or private~~Agricultural uses.
  - (4) ~~Park, public or not-for-profit~~Piers, docks and wharves which comply with section 3-9-70, "Boat docks; boathouses; boat lifts."
  - (5) ~~Single-family residences.~~
  - (6) ~~Limited educational facilities such as canoeing, hiking and nature study, and outdoor education in keeping with the intent of the district.~~
- (c) *Permitted ~~Accessory~~ Uses and Structures:* (~~Uses and structures which are customarily accessory and clearly incidental to permitted uses and structures are permitted in this district~~For additional conditions, see Article 3.1. Accessory Uses and Structures.)
- (d) *Conditional Use (C):* (For rules and regulations for any use designated as a Conditional Use, see Article 3.2. Conditional Uses)
- (1) Outdoor educational facility.
  - (2) Bed and breakfast, 1 or 2 bedrooms.
  - (3) Campground.
  - (4) Manufactured home (HUD), minimum requirement is Wind Zone 3.
  - (5) Manufactured home (DCA), minimum requirement is 150 miles per hour exposure C.
- (e) *Prohibited ~~Uses~~ and Structures.* Any use or structures not expressly or by reasonable implication permitted herein or permitted by special exception shall be unlawful in this district.
- (f) *Special ~~Exceptions~~ (S):* (For procedure see ~~section 3-9-7 Division 1.1.5.~~ "Special Exceptions.") The following are special exceptions in this district:
- (1) ~~Primitive campgrounds, commercial recreation areas and hunting and fishing camps.~~
  - (2) ~~Resort and sports marinas and commercial fisheries.~~

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~~(13) Essential services and emergency services.~~

~~(2) Public building.~~

~~(3) Essential Services.~~

~~(4) Bed and breakfast, 3 or more bedrooms.~~

~~(435)~~ Such other uses as determined by the Zoning Official or his/her designee to be:

a. Appropriate by reasonable implication and intent of the district.

b. Similar to another use either explicitly permitted in that district or allowed by Special Exception.

c. Not specifically prohibited in that district.

The ~~board of zoning appeals~~ BZA shall review a favorable determination of the Zoning Official under this provision at the time the Special Exception application is presented to it. An unfavorable determination of the Zoning Official or his/her designee shall be appealable pursuant to ~~section 3-9-6~~ Division 1.1.1. BZA of these regulations.

~~(g) Development Standards. The following development standards shall apply in this district:~~

~~Minimum lot requirements:~~

~~Area .....10 acres~~

~~Width .....250 feet~~

~~Minimum yard requirements:~~

~~yard ..... feet~~

~~Front .....25~~

~~Side .....10~~

~~Rear .....20~~

~~Maximum lot coverage by all buildings, percent .....10~~

~~Maximum height of structures, feet .....38~~

~~Maximum residential density, unit per 10 acres .....1~~

<u>Lot (min.)</u>	<u>Located in the Urban SA</u> <u>Area</u>	<u>Located in the RSARural Area</u>
<u>Area (acres)</u>	<u>10</u>	<u>40</u>
<u>Width (ft.)</u>	<u>250</u>	<u>250</u>
<u>Yards (min. ft.)</u>		
<u>Front</u>	<u>25</u>	<u>40</u>
<u>Side</u>	<u>10</u>	<u>20</u>
<u>Rear</u>	<u>20</u>	<u>20</u>
<u>Abutting water</u>	<u>20</u>	<u>20</u>
<u>Side &amp; rear abutting Gulf of Mexico</u>	<u>50</u>	<u>50</u>

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<b>Bulk (max.)</b>		
<u>Lot Coverage</u>	<u>10%</u>	<u>10%</u>
<u>Height (ft.)</u>	<u>38</u>	<u>38</u>
<u>Density (unit/acres)</u>	<u>1 per</u> <u>4010</u> <u>acres</u>	<u>1 per</u> <u>4040</u> <u>acres</u>

Where properties lie anywhere on a barrier island or within one thousand two hundred (1,200) feet of the water of Charlotte Harbor, the Gulf of Mexico, Lemon Bay, Gasparilla Sound, Placida Harbor, Red Fish Cove, the Myakka River, the Peace River, or Coral Creek, structures must also be constructed in accordance with ~~section 3-9-98~~ section 3-9-98 Article 4.12.

(~~hg~~) Off-street parking. Off-street parking shall be in accordance with ~~section 3-9-90~~ Article 4.49. Parking Standards.

(~~ih~~) Signs. Signs should be in accordance with ~~section 3-9-95~~ Article 4.510. Sign Code.

(~~Minutes of 12-8-81, § 7; Ord. No. 89-34, § 2, 5-31-89; Ord. No. 94-55, §§ 1-3, 11-3-94; Ord. No. 2002-008, § 1, 1-28-02~~)